

## Remarks

Claims 37-42 are pending in the application. Claim 37 has been amended, and new claims 43-46 have been added.

Claims 37-42 stand rejected under 35 USC 103(a) as being unpatentable over published U.S. Patent Application No. 10/078,031 by **Leist et al.** (Pub. No. 2002/0179255) in view of U.S. Pat. No. 6,446,695 to **Forsland**. In addition, the Office Action rejects Claims 37-39 as being indefinite under 35 USC 112, second paragraph. The Applicant respectfully traverses the rejections of claims 37-42, and presents new claims 43-46 for examination.

### **I. Claims 37-42 are Patentable Over Leist et al. in View of Forsland**

#### **a. The Examiner has the Burden to Establish a Prima Facie Case of Obviousness**

The Examiner has the burden to establish a *prima facie* case of obviousness when rejecting claims under 35 USC 103(a). See MPEP 2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. See MPEP 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *Id.* (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**b. The Office Action Does Not Set Forth a *Prima Facie* Case of Obviousness**

Claims 37-42 stand rejected under 35 USC 103(a) as being unpatentable over published U.S. Patent Application No. 10/078,031 by **Leist** et al. (Pub. No. 2002/0179255) in view of U.S. Pat. No. 6,446,695 to **Forsland**. Specifically, the Office Action states that **Forsland** discloses a multi-paneled garage door that simulates double doors. The Office Action admits that **Leist** does not simulate typical doors as presently disclosed. The Office Action concludes that it would have been obvious to modify **Leist** to provide the overhead door with the appearance of the **Forsland** doors because both **Forsland** and **Leist** are concerned with decorative appearances and aesthetics.

**i. Claims 37-39**

Independent Claim 37 (and each of depending claims 38 and 39) recites a metal overhead sectional garage door that includes “a plurality of pivotally connected horizontal door sections that each include a continuous sheet metal face panel,” and “a plurality of narrow vertical grooves integrally formed in the sheet metal face panels that align with each other to form a narrow vertical recess that substantially continuously extends between the top edge and the bottom edge of the door when the door is in a closed position.” Neither **Leist** nor **Forsland** describes an overhead door that includes door sections formed of continuous sheet metal face panels having narrow vertical grooves integrally formed in the sheet metal face panels that align with each other to form a narrow vertical recess that substantially continuously extends between a top edge and a bottom edge of the door when the door is in a closed position. Thus, the asserted combination of prior art references does not teach or suggest all the claim limitations, and the Office Action does not set forth a *prima facie* case of obviousness. Accordingly, at least for this reason, the rejection of claims 37-39 under 35 USC 103(a) should be withdrawn.

**ii. Claims 40-42**

Independent claim 40 and dependent claims 41 and 42 each recite a metal overhead sectional garage door that includes a plurality of pivotally connected horizontal door sections, each door section comprising a continuous sheet metal face panel, and a plurality of embossed

patterns integrally formed in at least a portion of the sheet metal face panels, wherein at least a portion of the embossed patterns define at least one simulated wooden crossbuck frame member. Neither **Leist** nor **Forsland** disclose a door having sheet metal face panels that include a plurality of embossed patterns integrally formed in at least a portion of the sheet metal face panels, and wherein at least a portion of the embossed patterns define at least one simulated wooden crossbuck frame member. In an obviousness rejection under 35 USC 103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. Accordingly, at least for this reason, the Office Action does not set forth a *prima facie* case of obviousness, and the rejection of claims 40-42 under 35 USC 103(a) should be withdrawn.

**II. Claims 37-39 are Not Indefinite under 35 USC 112, 2d Paragraph**

Claims 37-39 stand rejected as being indefinite under 35 USC 112, second paragraph. The Office Action states the claims are indefinite because independent claim 37 recites that the vertical grooves “continuously” extend from the top edge to the bottom edge of the door, though the drawings show grooves 130, 520 and 620 that do not extend to the edges of the respective panels. Claim 37 has been amended to recite “a narrow vertical recess that substantially continuously extends between the top edge and the bottom edge of the door when the door is in a closed position.” Accordingly, the Applicant believes that claim 37 and depending claims 38 and 39 comply with the requirements of 35 USC 112, and that the rejection should be withdrawn.

**III. New Claims 43-46 are Novel and Non-Obvious over Leist and Forsland**

*i. Claim 43*

Independent claim 43 recites an overhead garage door that includes “three rectangular garage door sections, the sections being pivotally connected together one above the other, at least two of the door sections each including at least one thin-walled face panel and one or more rectangular patterns embossed in the face panel, wherein each of the rectangular embossed patterns in the face panels is taller than it is wide.” Neither **Leist** nor **Forsland** discloses a door having only three door sections, or at least two sections that each includes a thin-walled face

panel with one or more rectangular embossed patterns that are taller than they are wide. Accordingly, at least for this reason, claim 43 is both novel and non-obvious over **Leist** and **Forsland**.

*ii. Claim 44*

Independent claim 44 recites an overhead garage door that includes a substantially rectangular upper section having a thin-walled upper face panel with a first integrally-formed substantially vertical groove that substantially extends between its upper and lower edges, and a substantially rectangular lower section having a thin-walled lower face panel with a second integrally-formed substantially vertical groove that substantially extends between its top and bottom edges, and wherein the first and second substantially vertical grooves are substantially collinear when the garage door is in the closed position, thereby substantially simulating the appearance of a vertical separation between left and right portions of the upper and lower sections, and wherein opposed portions of the upper and lower sections on either side of the first and second substantially vertical grooves are bilaterally symmetric with each other. Neither **Leist** nor **Forsland** discloses a multi-panel door having upper and lower door sections that each includes integrally-formed substantially vertical grooves that align with each other and divide the door sections into bilaterally symmetric opposed portions. Accordingly, at least for this reason, claim 44 is both novel and non-obvious over **Leist** and **Forsland**.

*iii. Claim 45*

Independent claim 45 recites an overhead garage door that includes an embossed pattern in a thin-walled face panel having an integrally-formed panel portion with a substantially planar portion having a plurality of spaced, parallel vertical grooves, and wherein the panel portion is substantially rectangular in shape and includes a height that is greater than its width. Neither **Leist** nor **Forsland** discloses a door having a panel that includes vertical grooves and a rectangular panel portion that is taller than it is wide. Accordingly, at least for this reason, claim 45 is both novel and non-obvious over **Leist** and **Forsland**.

*iv. Claim 46*

Independent claim 46 recites an overhead sectional garage door that consists essentially of three rectangular door sections, including two lowermost door sections that each include a continuous sheet metal skin having a front wall, a top wall, and a bottom wall, wherein the front wall and top wall intersect at an angle to form an upper corner, wherein the front wall and bottom wall intersect at an angle to form a lower corner, wherein the upper and lower corners extend along the full width of the door section, and are characterized by the intersection of not more than two intersecting surface portions of the sheet metal skin, wherein a pair of spaced rectangular embossed patterns in the front wall are separated by a simulated vertical frame member, and wherein the simulated vertical frame members of each of the lowermost rectangular garage door sections are positioned such that they vertically align with each other when the garage door is in a closed position such that the two simulated vertical frame members have the appearance of a single substantially continuous vertical frame member spanning the two lowermost door sections. Neither **Leist** nor **Forsland** discloses a three-panel overhead door, or two lowermost door sections having the required upper and lower corner configurations. Accordingly, at least for this reason, claim 46 is both novel and non-obvious over **Leist** and **Forsland**.

### **Conclusion**

The Applicant believes that claims 37-46 are in condition for immediate allowance, and such action is respectfully requested. If any issue remains unresolved, Applicant's attorney welcomes a telephone call from the Examiner to expedite allowance of the claims.

Respectfully submitted,

  
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